

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3   ERIN ALLEN,  
4                   Plaintiff

Case No.: 2:21-cv-00377-APG-DJA

**Order for Supplemental Briefs**

5   v.

6   VOCATUS, LLC and SHAMOUN’S, LLC,  
7                   Defendants

8           The defendants move for summary judgment on, among other things, plaintiff Erin  
9 Allen’s claim for wrongful termination under Nevada law. To establish a wrongful termination  
10 or tortious discharge claim under Nevada law, Allen must show that the defendants terminated  
11 her for “refusing to engage in conduct that was violative of public policy” or because she  
12 engaged “in conduct which public policy favors.” *Bigelow v. Bullard*, 901 P.2d 630, 632 (Nev.  
13 1995). However, the Supreme Court of Nevada “will not recognize an action for tortious  
14 discharge when a plaintiff has an adequate, comprehensive, statutory remedy.” *Ozawa v. Vision*  
15 *Airlines, Inc.*, 216 P.3d 788, 791 (Nev. 2009).

16           The defendants mentioned this legal principle in their motion but did not address whether  
17 Allen has an adequate statutory remedy, such as her retaliatory discharge claim under the Fair  
18 Labor Standards Act. Allen likewise did not address the issue. Because the parties have not  
19 sufficiently briefed this issue, I direct them to file supplemental briefs.

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1 I THEREFORE ORDER that by December 2, 2022, the parties shall each file briefs of no  
2 more than five pages addressing whether, for Allen's wrongful discharge claim, she has an  
3 adequate, comprehensive statutory remedy.

4 DATED this 18th day of November, 2022.

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7 ANDREW P. GORDON  
8 UNITED STATES DISTRICT JUDGE  
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